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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,586	04/08/2004	Boris Mayer	30691/DP008	8111
4743	7590	03/09/2006	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			BANGACHON, WILLIAM L	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,586

Applicant(s)

MAYER ET AL.

Examiner

William L. Bangachon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/27/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/31/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 12-20 have been considered but are moot in view of the new ground(s) of rejection.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. In this case, the abstract is objected to because the abstract recites, **"Disclosed herein."** Correction is required. See MPEP § 608.01(b).

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: There is no description of **"after assigning a user to a user group, a function can be activated that causes an essentially simultaneous opening of several parcel compartments"** recited in claims 12-13.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

6. Claims 12-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

There is no description of **“after assigning a user to a user group, a function that can be activated that causes an essentially simultaneous opening of several parcel compartments”** recited in claims 12-20, in the originally filed disclosure. There is no description of a user group being assigned to several parcel compartments so that when a user is assigned to said user group, the user can open the several parcel compartments that is assigned to the user group.

7. Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 12 and 13, the phrase **“in such a way”** (or "such as") renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Further, it is vague and unclear how several parcel compartments can be opened by virtue of assigning a user to a user group.

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Claim 12 recites the limitation "**the control of the access possibilities**" in page 3; claim 18 recites the limitation "**different access authorizations**" in page 4. There is insufficient antecedent basis for these limitations in the claims.

Claims 14-20 are dependent claims and therefore rejected for the same reasons.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 12-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 5,774,053 {Porter} in view of USP 6,879,243 {Booth et al}.

In claim 13, Porter teach of a electronic storage device (10) (the electronic parcel compartment system) with a user interface (26, 30) {col. 3, lines 42+}, for the delivery and pickup of goods, the user interface comprising a keypad (26) (the means for

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acquiring information from users of the electronic parcel compartment system) {col. 6, lines 6-15}, the electronic storage device comprises means for assigning vendors and/or homeowners (the users) to vendor groups (46) {col. 5, lines 37+} and being provided with a system control that allows a user to have access to a selection of several functions (such as locking, unlocking, notify customers, turn on AC or heating) of the electronic parcel compartment system, depending on the user group (vendors, homeowners, apartment dwellers) to which the user belongs {col. 5, lines 53-64; col. 6, lines 30-55}.

Porter does not disclose expressly **“an essentially simultaneous opening of several parcel compartments”**. Booth et al, in the same field of endeavor, teach of remotely controlling an electronic storage system comprising a plurality of lockers such as those found in schools, airports, shopping malls, fitness clubs, for a plurality of users {col. 1, lines 43+; Figure 1}. Booth et al teach that a locker can be assigned to several user-defined groups and that each user can be assigned to one or more user-defined groups. Booth et al suggests that the ability to assign both lockers and user to groups gives an administrator a powerful tool to manage lockers and users of the system {Booth et al, paragraph bridging cols. 9 and 10; Tables 1, 4, 5, 9, 13}. This capability allows an administrator to open (an activated function, as claimed) groups of lockers (**an essentially simultaneous opening of several parcel compartments**) for inspection, cleaning or maintenance during off-hours in a safe, secure, and convenient locker control system {Booth, col. 18, lines 9-25}. Obviously, a locker with several parcel compartments for delivering merchandise, as taught by Booth et al, is beneficial in the

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system of Porter, because it is capable of being used as a storage device for the delivery and pickup of goods anywhere. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system of Porter to accommodate several users, as taught by Booth et al, and allow an administrator to open (an activated function, as claimed) groups of lockers (**an essentially simultaneous opening of several parcel compartments**) for inspection, cleaning or maintenance during off-hours in a safe, secure, and convenient locker control system.

In claim 15, the means for assigning users to user groups (46) is connected to the user interface (26, 30) in such a way that the information acquired from the user interface is available to said means for the assignment of the users {Porter, col. 5, lines 37+; Booth et al, Table 1}.

In claims 14 and 16, the means for assigning the users (vendors, homeowners) to user groups (46) makes this assignment on the basis of information transmitted via a data line {Porter, col. 6, lines 6-7; Figure 5; Booth et al, Figure 1, 24}.

In claim 17, the assignment to the user groups is performed by acquiring user identification information and by making a comparison of the user identification information to an entry in a database {Porter, col. 6, lines 6-15, lines 30-51}.

In claim 18, wherein different access authorizations to functions of the electronic parcel compartment system can be selected for different user groups {Porter, col. 6, lines 42+}.

In claim 19, at least one of certain parcel compartments and groups of parcel compartments are accessible only to certain user groups {Porter, col. 8, lines 12-22}.

In claim 20, the assignment of the parcel compartments to the user groups can be changed {Porter, col. 7, lines 46-50}.

Claim 12 recites a method for practicing the system of claim 13, and therefore rejected for the same reasons.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Office Contact Information

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12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to William L. Bangachon whose telephone number is **(571)-272-3065**. The Examiner can normally be reached on 4/4/1010.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Michael Horabik can be reached on **(571)-272-3068**. The fax phone numbers for the organization where this application or proceeding is assigned is **5(571) 273-830000** for regular and After Final formal communications. The Examiner's fax number is **(571)-273-3065** for informal communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-6071.

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William L Bangachon
Examiner
Art Unit 2635

February 22, 2006

MICHAEL HORABIK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600



APPROVED
WJ 2/22/06

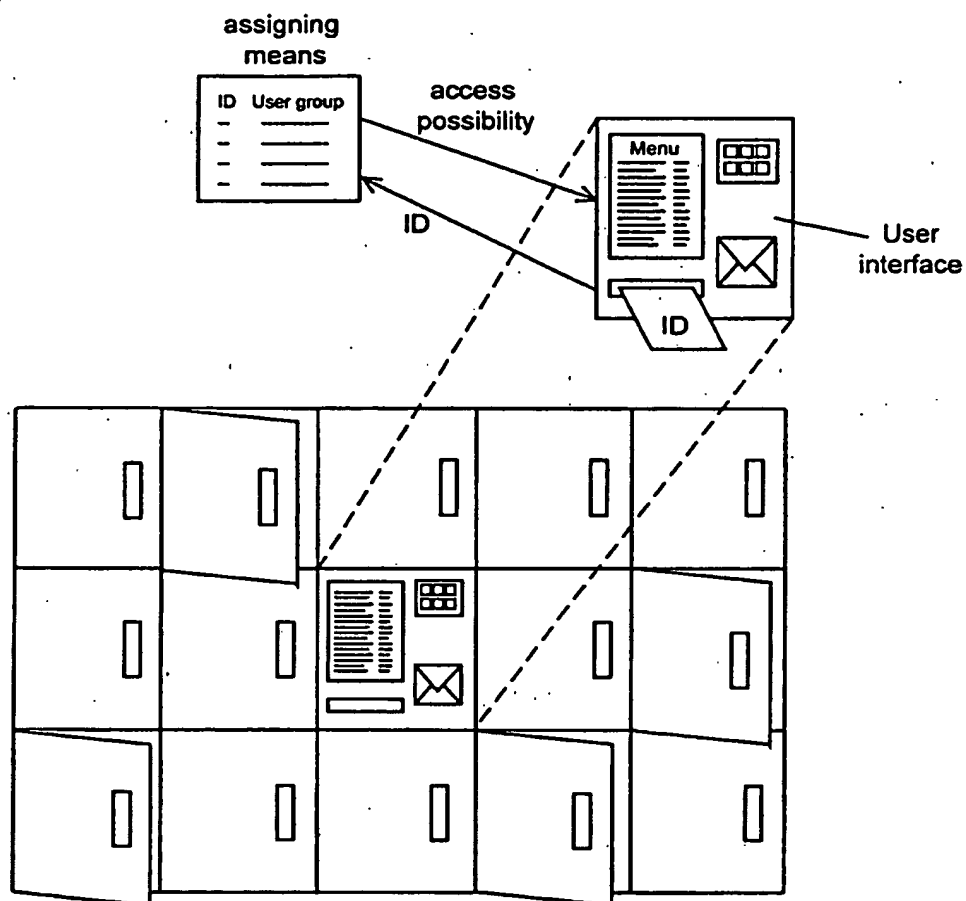


FIG. 2

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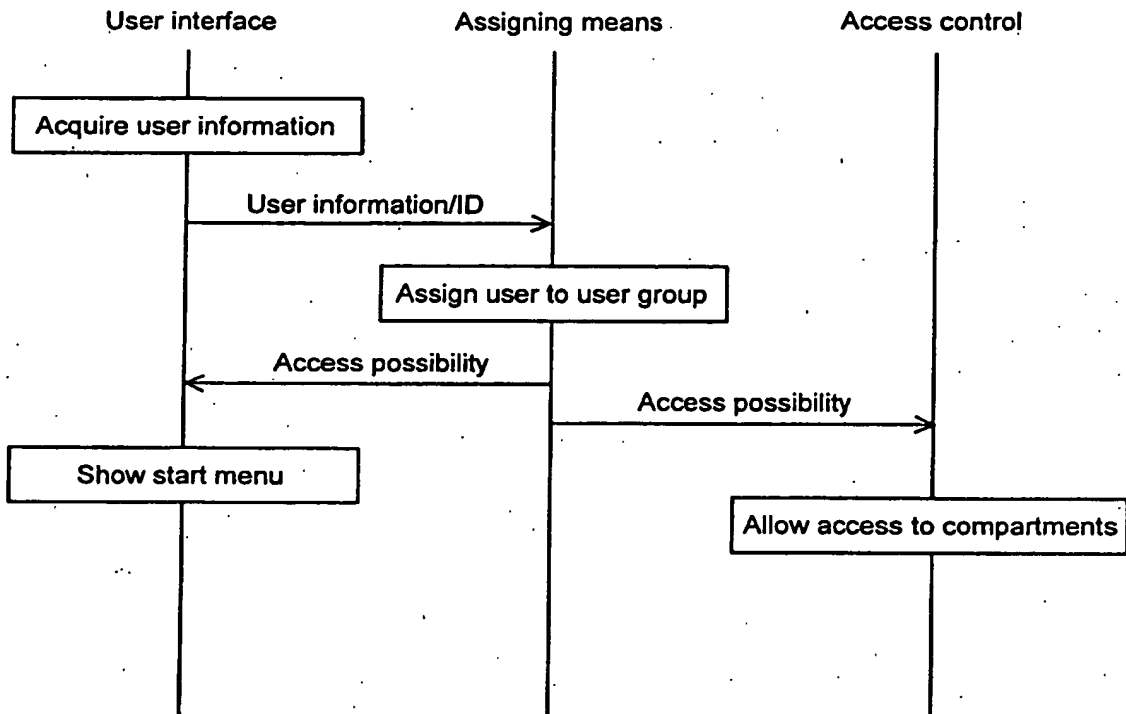


FIG. 3